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Public Disclosure Commission

**Formal Complaint to the Washington State Public Disclosure Commission
Relating to an Elected Official or Candidate for Public Office**

Name of Candidate: William E. Moritz

Address of Candidate: 16901105th Ave NE

Candidate's City: Bothell State: Washington Zip Code: 98011

Candidate's Telephone: (425) 488-8270

Candidate's E-mail Address: moritz.we@gte.net

I certify (or declare) under penalty of perjury under the laws of the State of Washington that the facts set forth in this attached complaint are true and correct.

Your signature: _____

Your printed name: Tim Olsen

Street address: 15515 Waynita Way

City, state and zip code: Bothell, Washington 98011

Telephone number: 425-483-3420 Home 206-919-3669 Cell

E-Mail Address: timbolsen@aol.com

Date Signed: 11/04/05

Place Signed: Bothell, King County

Complaint:

COUNT #1 (Electronic Filing)

It has come to my attention that William E. Moritz violated the Public Disclosure Law (RCW 42.17.3691). RCW 42.17.3691 states in relevant part:

(2) Beginning January 1, 2004, each candidate or political committee that expended ten thousand dollars or more in the preceding year or expects to expend ten thousand dollars or more in the current year shall file all contribution reports and expenditure reports required by this chapter by the electronic alternative provided by the commission under RCW 42.17.369. The commission may make exceptions on a case-by-case basis for candidates whose authorized committees lack the technological ability to file reports using the electronic alternative provided by the commission.

(3) Failure by a candidate or political committee to comply with this section is a violation of this chapter.

Mr. Moritz filed his C1 declaring his candidacy for Bothell City Council Position #1 on October 25, 2005. On October 10, 2005 William Moritz deposited \$5,000 into his campaign account. On October 17, 2005 he deposited an additional \$5,170. Mr. Moritz made no filings prior to October 25, 2005 and there is no indication he has asked for or received an exception from the Commission due to a lack of "technological ability". Because his campaign had crossed the \$10,000 threshold more than one week before by the time of his October 25th filing all of Moritz's filings should have been electronic. By failing to report electronically Mr. Moritz was able to conceal from the people of Bothell

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the fact that his campaign is over 95% self-financed until after he was legally required to disclose to the Public Disclosure Commission do so.

COUNT #2 (Failure to timely file required reports)

It has come to my attention that William E. Moritz violated the Public Disclosure Law (RCW 42.17.040). RCW 42.17.040 states in relevant part:

(1) Every political committee, within two weeks after its organization or, within two weeks after the date when it first ***has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier***, shall file a statement of organization with the commission and with the county auditor or elections officer of the county in which the candidate resides, or in the case of any other political committee, the county in which the treasurer resides. A political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

Moritz deposited \$5,000 into his campaign account on October 10, 2005 according to his C3 reports. His C1 was not postmarked until October 25, 2005 and did not appear on the PDC website until October 26, 2005. Even assuming Moritz took no action to promote his candidacy prior to October 10th and/or had no expectation of receiving \$5,000 from himself until the day he made the deposit, he should have filed his C1 and related documents electronically on October 24th, 2005 – two weeks after making his first deposit.

This violation is particularly troubling because it is apparent that Moritz was using his violations to obscure the reality of his candidacy and its financing until the last possible minute. RCW 42.17.040 requires “a political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election campaign shall file a statement of organization within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election”.

Moritz began his campaign in earnest at the latest on October 10th, 2005 (most likely earlier) and did not file any reports for 15 days, and when he did file them he did not do so electronically so public access to his reports was delayed an additional day. Moritz gamed the system and violated the law to obscure the financing and nature of his write-in campaign – all while he was in regular communication with the PDC according to his public statements.

COUNT #3 (use of public office or agency facilities in campaigns)

It has come to my attention that William E. Moritz may have violated the Public Disclosure Law (RCW 42.17.130). RCW 42.17.130 states in relevant part:

RCW 42.17.130
Forbids use of public office or agency facilities in campaigns.

No elective official nor any employee of his office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or

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indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency: PROVIDED, That the foregoing provisions of this section shall not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

Moritz is a member of the Bothell Parks and Recreation Board and is accordingly subject to this statute as a "any person appointed to or employed by any public office or agency". At the October 17th Meeting of the Bothell City Council <mms://media.ci.bothell.wa.us/council/101705a.wmv>, Moritz announced his candidacy for Bothell City Council during the televised portion of the visitor's section. He did so, ironically, after detailing his erroneous suspicions about others using public facilities to aid city council campaigns. Moritz provided no notice to the council that he would be promoting his candidacy over the public Channel 21 and his announcement and promotion of his candidacy was rebroadcast repeatedly in the weeks leading up to the November 8th election. His opponent Joshua Freed was not afforded any opportunity to express an opposite view or announce and promote his candidacy and the next Bothell City Council meeting was not scheduled until November 7th, the night before the election. Moritz did not make his announcement until the end of his remarks so there was no opportunity for his illegal behavior to be stopped.

Moritz cynically used a public resource to announce and promote his candidacy. His website www.mortiz4bothell.net confirms that this use of public resources was not spontaneous or a spur of the moment mistake, rather he had prepared to announce his candidacy at the meeting in advance.

CONCLUSION

Moritz has violated campaign finance laws in an effort to conceal, for as long as possible, the fact and financing of his write-in candidacy. Given that a central theme of his candidacy has been campaign finance, he should be held accountable for his illegal actions.

Date of Statement: 11/04/05

Signed: Jim Olsen